

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

January 07, 2010

Douglas E. Cressler
Chief Deputy Clerk

Thomas E. Black Jr.
Williams Production RMT Company
1515 Arapahoe Street, Tower 2, Suite 1000
Legal Department
Denver, CO 80202

Ms. Sarah A. Bond
State of Montana
Department of Justice
215 N. Sanders
P.O. Box 201401
Helena, MT 59620-1401

Mr. Keith Burron
Associated Legal Group, LLC
1807 Capitol Avenue
Suite 203
Cheyenne, WY 82001-0000

Mr. James J. Dragana
Bingham McCutchen
355 South Grand Avenue
Los Angeles, CA 90071

Mr. Alan David Greenberg
U.S. Dept. of Justice
Environmental Defense Section
1961 Stout Street
8th Floor
Denver, CO 80294-0000

Ms. Brenda Lindlief Hall
Reynolds, Motl & Sherwood
401 N. Last Chance Gulch
Helena, MT 59601-0000

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

January 7, 2010

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

PENNACO ENERGY, INC.;
MARATHON OIL COMPANY; DEVON
ENERGY CORPORATION,

Petitioners – Appellees,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; ROBERT
ROBERTS, in his official capacity as
United States Environmental Protection
Agency Region 8 Regional Administrator,

Respondents – Appellants.

No. 09-8103
(D.C. No. 2:06-CV-100-CAB)

STATE OF WYOMING; WILLIAMS
PRODUCTION RMT COMPANY;
YATES PETROLEUM CORPORATION;
ANADARKO PRODUCTION
COMPANY; CARLTON DEWEY;
MIKE COULTER; JESS ANDERSON;
JOANN TWEEDY; CHARLES
TWEEDY,

Intervenors – Petitioners –
Appellees,

STATE OF MONTANA,

Intervenor,

and

TONGUE RIVER WATER USERS'
ASSOCIATION,

Intervenor – Respondent.

ORDER

Appellant's motion to dismiss is granted. 10th Cir. R. 27.3(A)(9).

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish line.

ELISABETH A. SHUMAKER, Clerk

Stephan Harris
United States District Court for the District of Wyoming
Office of the Clerk
2120 Capitol Avenue, Room 2141
Cheyenne, WY 82001-0000

Mr. Jay Jerde
Attorney General for the State of Wyoming
123 Capitol Building
200 West 24th Street
Cheyenne, WY 82002

Mr. Brent Rulon Kunz
Hathaway & Kunz, P.C.
P.O. Box 1208
Cheyenne, WY 82003-0000

Mr. Carl L. Lathrop
Lathrop & Rutledge
1920 Thomes Avenue, Suite 500
P.O. Box 4068
Cheyenne, WY 82003-4068

John Charles Martin
Ms. Susan M. Mathiascheck
Mr. Duane A. Siler
Crowell & Moring LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

Ms. Claudia Leah Massman
Montana Department of Environmental Quality
1520 E. 6th Avenue
P.O. Box 200901
Helena, MT 59620-0901

Ms. Andrea Richard
The Richard Law Firm, P.C.
199 East Pearl Avenue, Suite 102
P.O. Box 1245
Jackson, WY 83001-0000

Mr. Bruce A. Salzburg
Attorney General for the State of Wyoming
123 Capitol Building

200 West 24th Street
Cheyenne, WY 82002

Mr. Sambhav N. Sankar
United States Department of Justice
Environment & Natural Resources Division
P.O. Box 23795
L'Enfant Plaza Station
Washington, DC 20026-3795

Mr. Nicholas Vassallo
Office of the United States Attorney
District of Wyoming
P.O. Box 668
Cheyenne, WY 82003-0668

Mr. Michael Butler Wigmore
Bingham McCutchen LLP
2020 K Street, NW
Washington, DC 20006

Gay V Woodhouse
Gay Woodhouse Law Office
211 West 19th Street
Suite 308
Cheyenne, WY 82001-0000

RE: 09-8103, Pennaco Energy, Inc., et al v. EPA, et al
Dist/Ag docket: 2:06-CV-00100-CAB, 2:06-CV-00228-CAB, 2:06-CV-00229-
CAB, 2:06-CV-00235-CAB

Dear Counsel:

Attached please find an order issued today by the court dismissing this case.

In addition, please be advised that the mandate for this case has issued today. The clerk of the originating court or agency shall file accordingly.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

Elisabeth A. Shumaker
Clerk of the Court

EAS/ng